



# **Ninety-Seventh Legislature - First Session - 2001**

## **Introducer's Statement of Intent**

### **LB 270**

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**Chairperson:** Senator Jim Jensen  
**Committee:** Health and Human Services  
**Date of Hearing:** January 25, 2001

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 270 includes acupuncture under the Uniform Licensing Law, setting forth therein the credentialing procedures and regulatory standards under which licensed acupuncturists may practice in Nebraska.

The definition of acupuncture under LB 270 includes the insertion, manipulation, and removal of acupuncture needles and the application of manual, mechanical, thermal, electric, and electromagnetic treatment to such needles, as well as the recommendation of related therapeutic exercises, dietary guidelines, and nutritional support; however, manipulation or adjustment to the spine and the practice of medical nutrition therapy is expressly prohibited.

Other than health-care professionals already practicing it within the scope of their licenses, anyone wishing to perform acupuncture must be licensed to do so under the Uniform Licensing Law. An applicant must apply for such license to the Department of Health & Human Services Regulation and Licensure and shall be required to show documentation of: 1) current active status as a diplomate in acupuncture of the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) or its successor organization or good standing to practice in another jurisdiction; and 2) having completed a NCCAOM-approved course in clean needle technique.

A licensed acupuncturist may not practice acupuncture on a person unless: 1) that person has a prior letter of referral or a medical diagnosis and evaluation completed by a medical or osteopathic doctor within twelve months immediately preceding the initial acupuncture treatment; and 2) the acupuncturist has obtained the voluntary and informed consent of the patient, based upon information provided to the patient. Such information must explain: 1) the distinctions and differences between acupuncture and western medicine; 2) that the acupuncturist is neither licensed to practice medicine nor to make a medical diagnosis and that a physician should be consulted for such a diagnosis; 3) the nature and purpose of the acupuncture treatment; and 4) any medical or other risks associated with such treatment.

The provisions of LB 270 would not apply to: 1) any other health care practitioner credentialed under the Uniform Licensing Law practicing acupuncture within the scope of his or her profession; 2) a student practicing acupuncture under the supervision of someone licensed under the Uniform Licensing Law as part of a course of study approved by the Department of Health & Human Services Regulation and Licensure; 3) the practice of acupuncture by anyone licensed or certified to practice acupuncture in any other jurisdiction when practicing in an educational seminar sponsored by a state-approved acupuncture or oriental medical college or professional organization if the practice is supervised directly by someone licensed to practice acupuncture under the Uniform Licensing Law.

Finally, in addition to creating the Acupuncturist Fund to receive all certification and renewal fees, LB 270 provides for the issuance of a limited, one-year license to practice acupuncture to a person teaching in a school of acupuncture in this state, if such person has at least five years of experience as a licensed acupuncturist in good standing in another jurisdiction.

**Principal Introducer:**

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**Senator Carol L. Hudkins**